



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEIRDE SANDERS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CIVIL NO. 09-cv-00974-JW

**ORDER GRANTING DEFENDANT'S MOTION
TO DISMISS FOR LACK OF JURISDICTION**

Presently before the Court is Defendant's Motion to Dismiss this Social Security appeal for lack of jurisdiction. (Docket Item No. 17.) The record reflects that Plaintiff has not yet appeal the Administrative Law Judge's decision to the Appeals Council prior to filing this action. (*Id.* at 2.) Failure to exhaust administrative remedies deprives the Court of jurisdiction. *See* 42 U.S.C. Section 405(g). Accordingly, the Court DISMISSES this action without prejudice so that Plaintiff may first seek the appropriate administrative remedies.

The Clerk shall close this file.

Dated: July 10, 2009


JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Deirde Sanders
3 1900 26th Street, #200
4 Oakland, CA 94601

5 **Dated: July 10, 2009**

Richard W. Wieking, Clerk

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7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**
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United States District Court

For the Northern District of California